

COUNTERING HATE SPEECH IN THE UK

SORAYA ALI



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TABLE OF CONTENTS

1

Introduction (4)

2

What Is Hate Speech (5–9)

3

Hate Speech and Hate Crime (10–11)

4

Hate Speech and Free Speech (12–14)

5

UK Context (15–22)

6

Recommendations (23–29)

7

Conclusion (30)

ABOUT ME

SORAYA ALI

Soraya Ali is a British-Somali journalist, humanitarian, and human rights advocate. She built her career as a reporter with BBC World Service and Reuters, before leading Save the Children's media operations across the Middle East. Her work has taken her to Somalia, Iraq, Syria, Gaza, Uganda, Senegal and Kenya.

Soraya is a founding member and former Chief Operating Officer (COO) for The Vavengers, an award-winning charity that supports survivors of Violence Against Women and Girls (VAWG), later serving on their Board of Trustees.

She holds a BA in Journalism, a Postgraduate Diploma in Peacebuilding and Conflict Transformation and an LLM in Human Rights Law. She is a Rotary Peace Fellow and Churchill Fellow.



INTRODUCTION

Hate speech does not exist in isolation. It is a symptom of wider societal problems and therefore has to be challenged as part of that bigger picture. It sits alongside growing inequality¹, a rise in misinformation², and a loneliness epidemic³. Technology has individualised how people spend their time and 'third spaces' (the community spaces where people once socialised freely) have declined⁴.

Trust in mainstream media has fallen². People are turning to alternative sources instead, with an abundance of information now at their fingertips. Smartphones feed a constant stream of information, often before it can be verified.

Tech billionaires hold an unprecedented amount of unregulated power over people's data and attention⁵. Platforms like X allow extreme figures to reach millions of people and spread false and hateful information unchecked⁶. Algorithms aren't built with users' best interests in mind, or to surface verified information. Their goal is to hold attention⁷. If my teenage nephew opened a TikTok account right now, he'd be served misogynistic content within 23 minutes⁸, without ever searching for it.

This is all to say hate speech must be tackled, like all pressing social issues, holistically and through a lens that understands the realities of UK society today. If you fix hate speech without fixing the conditions, it will come back.

¹ <https://commonslibrary.parliament.uk/research-briefings/cbp-7484/>

² <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2026/dnr-executive-summary>

³ <https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/bulletins/publicopinionsandsocialtrendsgreatbritain/january2025>

⁴ https://www.lbc.co.uk/article/uk-social-space-park-post-office-community-5HjdYzW_2/

⁵ <https://www.brasildefato.com.br/2026/01/20/six-billionaires-control-social-media-while-only-three-hold-nearly-90-of-global-artificial-intelligence/>

⁶ <https://committees.parliament.uk/writtenevidence/138332/html/>

⁷ <https://gizmodo.com/researchers-find-that-xs-algorithm-can-push-users-to-lean-more-conservative-2000723017>

⁸ <https://www.dcu.ie/antibullyingcentre/recommending-toxicity>

WHAT IS HATE SPEECH?

UNITED NATIONS

The UN defines hate speech as "any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor."¹

THE COUNCIL OF EUROPE

The Council of Europe defines hate speech as "all forms of expression that spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance" including aggressive nationalism, ethnocentrism, and discrimination against minorities and migrants.²

¹ <https://www.un.org/en/hate-speech/understanding-hate-speech/what-is-hate-speech>

² https://www.coe.int/en/web/freedom-expression/committee-of-ministers-adopted-texts/-/asset_publisher/aDXmrol0vvsU/content/recommendation-no-r-97-20-of-the-committee-of-ministers-to-member-states-on-hate-speech-

THE IMPORTANCE OF DEFINING HATE SPEECH

INTERNATIONAL LAW

The Office of the United Nations High Commissioner for Human Rights (OHCHR), the UN's main human rights body, has identified two failures that occur when definitions are unclear.¹

First, speech that genuinely puts people in danger goes unpunished because authorities cannot agree it meets the legal bar.

Second, people who are simply criticising a government, a religion, or an idea get wrongly treated as criminals.

Vague definitions cause both problems. They give authorities too much room to make inconsistent decisions, and leave the people dealing with hate speech day-to-day with no clear rules to follow.

WHEN IS HATE SPEECH A CRIME

International law does not criminalise hate speech. Saying something hateful is not automatically a crime. It only becomes a crime when speech is likely to cause real harm: pushing people to discriminate against, threaten, or attack a group.²

The Rabat test helps authorities decide when that point has been reached.²

¹ <https://www.ohchr.org/en/freedom-of-expression>

² <https://www.ohchr.org/en/documents/tools-and-resources/one-pager-incitement-hatred-rabat-threshold-test>

THE RABAT THRESHOLD TEST

The Rabat Plan of Action, adopted by UN experts in 2012, draws a line between speech that is offensive and speech that is criminal. It provides a six-part test to help authorities decide when hate speech is serious enough to prosecute.

01

Context

The social and political environment in which the speech occurs

02

Speaker

Their position, influence, and reach.

03

Intent

Whether the speaker aimed to incite hostility against a target group

04

Content and form

The nature of the language and how it was delivered

05

Extent

How widely the speech was disseminated

06

Likelihood of harm

Whether harm was probable, and how imminent

No single factor is decisive.

The same words, said by different people in different circumstances, can produce entirely different legal outcomes. A politician's statement carries different weight to a private individual's. Context changes everything.

UK LAW

The UK has no single law covering hate speech. Instead, the law is built from several pieces of legislation, each covering different groups of people, setting different legal thresholds, and requiring different standards of proof. Prosecutions do happen under this framework, though the different thresholds mean outcomes can vary depending on which law applies. While the terms "hate speech" and "xenophobia" are not defined in UK law, verbal abuse, harassment, and incitement to hatred based on race or religion have been unlawful since 1986.

Public Order Act 1986

Makes it a criminal offence to use threatening, abusive or insulting language that stirs up racial hatred. A person can be prosecuted if they intended to stir up hatred, or if hatred was a likely result.¹

Crime and Disorder Act 1998

If someone commits a crime, such as assault or harassment, and does so because of the victim's race, they face a longer sentence than if race played no part. The racial motivation makes the punishment heavier.²

Racial and Religious Hatred Act 2006

Extended the law to cover religious hatred, but set a higher bar. For racial hatred, prosecutors only need to show that hatred was a likely result of what was said. For religious hatred, they must prove the person deliberately set out to stir it up. That is a much harder standard to meet, which is why religious hate speech cases rarely reach court even when the behaviour is similar.³

Online Safety Act 2023

Requires social media platforms to remove illegal content, including content that stirs up racial or religious hatred. Ofcom, the UK's independent communications regulator, can take enforcement action against platforms that fail to act.⁴

Hate Crime and Public Order (Scotland) Act 2021

Created a separate legal framework for Scotland that covers more groups of people than the law in England and Wales. In England and Wales, hate speech law primarily covers race and religion. Scotland's Act also covers age, disability, gender identity and sexual orientation. The same speech targeting a disabled person, for example, would be treated differently depending on which side of the border it occurred. England and Wales have no equivalent.⁵

****In the year ending March 2024, police in England and Wales recorded 140,561 hate crimes. Religious hate crimes rose 25% on the previous year, reaching 10,484 offences.⁶*

¹ <https://www.legislation.gov.uk/ukpga/1986/64/contents>

² <https://www.legislation.gov.uk/ukpga/1998/37/contents>

³ <https://www.legislation.gov.uk/ukpga/2006/1/contents>

⁴ <https://www.legislation.gov.uk/ukpga/2023/50/contents>

⁵ <https://www.legislation.gov.uk/asp/2021/14/contents>

⁶ <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-year-ending-march-2024/hate-crime-england-and-wales-year-ending-march-2024>

THE PROBLEM

The UK has multiple laws that touch on hate speech, but no single framework that brings them together. Each covers different groups, sets different thresholds, and requires different things to be proved. The result is a patchwork that is difficult to enforce and harder still for non-lawyers to navigate. Prosecution is rare, and the police, local authorities and frontline workers expected to apply these laws have no clear guide to follow.

When there is no single agreed definition, no one knows exactly what they are supposed to prevent, report, or respond to. That creates three practical failures:

1

Inconsistent enforcement

Police, prosecutors, and local authorities are all working from different thresholds. One force may treat something as a hate speech incident. Another ignores the same behaviour. Victims get different outcomes depending on where they live.

2

No guidance for frontline workers

A community worker, a school, a local council: none of them are lawyers. They need to know: does this count? What do we do about it? Right now there is nothing that answers that question clearly.

3

The free speech argument fills the vacuum

When there is no clear definition, the debate defaults to "but what about free speech?" every time. That gridlock is why so little progress gets made and why so few organisations in the UK are willing to work in this space.

HATE SPEECH AND HATE CRIME: THE LINK

Hate crime is a criminal offence (e.g. assault, vandalism) motivated by hostility or bias towards a protected characteristic, like someone's race, religion, sexual orientation, disability, or gender identity.¹

Hate speech is any kind of expression, written or verbal, that attacks, demeans, or incites hostility against an individual or group based on a protected characteristic.

Hate speech is rarely a crime in itself. It becomes one when it crosses into incitement, threats, or harassment. Most hate speech sits below that line: comments, posts, headlines, jokes, that are hostile or dehumanising but legal.

Hate speech is often a precursor to hate crime. The two are connected.

Hate speech normalises hostility towards a group. Left unchallenged, it shifts what a society treats as acceptable. Hate crime tends to follow that shift, HateLab's data shows.²

Hate crime spikes after specific trigger events: terror attacks, contentious political votes, high-profile court cases, a viral hoax. Online hate speech surges first. A measurable rise in offline hate crime follows within days.²

¹ <https://cps.gov.uk/types-crime/hate-crime>

² <https://www.cardiff.ac.uk/news/view/1702622-increase-in-online-hate-speech-leads-to-more-crimes-against-minorities>

HATE SPEECH AND HATE CRIME

But several countries have gone further and made certain speech a criminal offence in its own right, with no underlying act required:

Germany: Criminalises incitement to hatred (Volksverhetzung) under the Criminal Code. Racist speech that attacks human dignity or incites hatred against a group is a criminal offence carrying up to five years in prison.¹

France: Has criminalised incitement to discrimination, hatred or violence based on origin, religion, ethnicity and other characteristics since 1972. Racist speech is prosecutable as a standalone crime.²

Canada: Criminalises hate propaganda under sections 318-319 of the Criminal Code, including public incitement of hatred against identifiable groups.³

South Africa: Under the 2024 Hate Crimes and Hate Speech Act, made hate speech a criminal offence in its own right.⁴

Brazil: Through the Supreme Court's 2019 ruling, extended the 1989 racism law to cover homophobia and transphobia, treating discriminatory speech as racismo social, a criminal offence.⁵

USA: Sits at the opposite end. The First Amendment provides very broad protection for speech, including racist speech. Hate crime laws exist (enhanced penalties for bias-motivated crimes) but the speech itself is almost never prosecutable.⁶

UK: Sits in the middle, with partial criminal provisions under the Public Order Act but no standalone offence.

¹ https://www.unodc.org/cld/en/legislation/deu/german_criminal_code/special_part_-_chapter_seven/section_130/section_130.html

² https://en.wikipedia.org/wiki/Hate_speech_laws_in_France

³ <https://laws-lois.justice.gc.ca/eng/acts/c-46/section-319.html>

⁴ <https://www.thepresidency.gov.za/president-ramaphosa-assents-law-prevention-and-combating-hate-crimes-and-hate-speech>

⁵ <https://www.jurist.org/news/2019/06/brazil-supreme-court-criminalizes-homophobia-and-transphobia/>

⁶ [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2025\)772890](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2025)772890)

HATE SPEECH FREE SPEECH?

FREE SPEECH

Free speech is a fundamental human right recognised by the United Nations and most countries. It protects the freedom to seek, receive and express views, including unpopular or offensive ones. But like most rights, it has its limits.¹

HATE SPEECH

Hate speech law exists because some speech doesn't just offend, it intimidates, excludes and can tip into violence. Neither principle trumps the other by default. The law should exist to draw a line between them, but where that line falls depends on who's deciding.

THE DANGER

That's the danger: whoever has the power to call something "hate speech" can use it to silence opponents, or whoever has the power to call something "free speech" can use it to excuse real incitement.

THE SOLUTION

The solution is precision. A narrow, written-down definition leaves less room for either side to bend the law to their advantage. A vague one hands that power to whoever is in charge at the time.

E.g., if a politician with a large platform tells followers that group X should be killed, his right to free speech becomes a threat to group X's right to life. Free speech is one right among many. It has to be weighed against other rights, including the right to live free from fear, violence and discrimination. This is an extreme example, in reality the line between free speech and hate speech is often less clear.

¹ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

HATE SPEECH FREE SPEECH?

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Like all rights, free speech is a right, but it has its limits. It should not come at the cost of another right.

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Hate speech law, equally, should be reserved for the strongest examples.

During the Rwandan genocide and the Holocaust, certain groups were compared to cockroaches by journalists. Genocide scholars warn that this 'dehumanisation' comes before mass violence. In 2015, The Sun used the same language '**cockroaches**' to describe migrants in the UK.¹ A radio station in **Rwanda** broadcast messages calling for the extermination of the Tutsi people. After the genocide, a judge told its owner: "Without a firearm, machete or any physical weapon, you caused the death of thousands of innocent civilians." He was convicted of genocide: the first time since the Nuremberg trials that international criminal justice had addressed the role of the media in mass atrocity.²

But **free speech** is a right people have been killed for exercising, too. Many are still prosecuted, and killed, for criticising those in power. 2025 was the deadliest year on record for **journalists**, with 129 killed worldwide, with Israel responsible for two-thirds of deaths.³ Around 80% of those killings remain unsolved.⁴

Mexico is one of the most dangerous countries in the world for journalists. Violence, not hate speech law, is the primary tool of silencing, but the two are connected. Journalist Mauricio Cruz Solís was murdered in 2024 minutes after interviewing a mayor who had directed sustained hate speech at the local press; campaigners responded by proposing "Mauricio's Law," making hate speech against journalists an aggravating factor in discrimination crimes.⁵

The best way to protect both is clear definitions: of when something is hateful, and of when something is protected speech.

¹ <https://www.bbc.co.uk/news/uk-32446673> (UN human rights chief drew the direct link between the Sun's language and Rwanda/Nazi-era rhetoric)

² <https://unictr.irmct.org/en/news/three-media-leaders-convicted-genocide>

³ <https://cpj.org/2026/02/record-number-of-journalists-killed-in-2025-israel-responsible-for-two-thirds-of-deaths/>

⁴ <https://news.un.org/en/story/2024/11/1156426>

⁵ <https://latamjournalismreview.org/articles/two-mexican-states-take-opposing-paths-on-journalist-protection/>

Free speech and hate speech can both be weaponised by those in power. A vague or contested definition of "hateful" gives whoever holds power room to apply it selectively, in either direction: to excuse real incitement, or to silence ordinary dissent.

Hate Speech as Free Speech?

In 2015, The Sun published a column by Katie Hopkins describing migrants as "cockroaches," language the UN's human rights chief said echoed Rwandan radio before the genocide and Nazi media before the Holocaust. Police received complaints that it amounted to incitement to racial hatred. No prosecution followed.¹

A decade later, Lucy Connolly was sentenced to 31 months in prison after posting that hotels housing asylum seekers should be set on fire, on the day of the Southport murders. She pleaded guilty to intending to stir up racial hatred under the Public Order Act, and her conviction was upheld on appeal.²

Free Speech as Hate Speech?

The IHRA definition of antisemitism, adopted by the UK government in 2016, is meant to identify hate speech. A 2023 report by the European Legal Support Centre found it has had a chilling effect, used to suppress criticism of Israeli government policy and Palestinian rights advocacy.³

In July 2025, the government banned Palestine Action under the Terrorism Act 2000, the same law used against al-Qaeda. By November 2025, at least 2,489 people had been arrested, most for holding signs reading "I oppose genocide, I support Palestine Action." In February 2026, the High Court ruled the ban unlawful and a breach of free expression.⁴

Reform UK's deputy leader called Connolly's prosecution "two-tier justice," and the Free Speech Union founder said the sentence was "manifestly unjust." Her tweet was reposted hundreds of times and viewed over 300,000 times before she deleted it.

By independent legal and human rights standards, the second case is the clearer free speech violation. The High Court found the Palestine Action ban breached free speech protections and struck it down as unlawful. But it didn't generate the same "free speech crisis" alarm in UK media and politics that Connolly's case did.²

¹ <https://www.bbc.co.uk/news/uk-32446673>

² <https://www.bbc.co.uk/news/articles/cp3nn60wyr6o>

³ <https://www.972mag.com/elsc-ihra-antisemitism-palestinians-europe/>

⁴ <https://www.declassifieduk.org/terrorism-ban-on-palestine-action-ruled-unlawful-by-high-court/>

UK HISTORICAL CONTEXT

Britain was one of the world's most brutal colonial powers, invading and occupying countries across Africa, Asia and the Caribbean. The legacy of that history is still felt today.¹

After centuries of colonial rule in South Asia, thousands of people from India, Pakistan, Bangladesh and Sri Lanka came to the UK in the 1960s, many as doctors for the newly created NHS. Black people have been present in Britain since at least the 3rd century AD³ and many Caribbean communities, like the Windrush generation, came to the UK from 1948 to help rebuild the country after the Second World War, taking up low-paid jobs in the NHS and public services.²

Around 10,000 Jewish children arrived in Britain through the Kindertransport between 1938 and 1940, fleeing Nazi persecution. More Jewish refugees arrived after the war, displaced by the Holocaust.

In 2015, war in Syria and other conflicts pushed more than a million people across the Mediterranean into Europe in a single year, searching for safety. British newspapers and politicians called it the "migrant crisis." Words like 'invasion', 'swarm' and 'flood' were used to describe people fleeing for their lives.⁵

Today, the UK is still a majority white country: white people make up 81% and ethnic minorities 18% of the population of England and Wales. Most people, 83%, identify as Christian or as having no religion (46% Christian, 37% no religion). Muslims make up 6.5%, Jews 0.5% (Census 2021).⁶

Hate speech disproportionately affects those minorities, particularly Muslims and Jewish communities, alongside LGBTQ+ people and other marginalised groups.



Photo Credit: Daniel Höhe via Unsplash

¹ <https://www.npr.org/2022/07/11/1110863022/the-violent-legacy-of-the-british-empire>

² <https://peopleshistorynhs.org/the-windrush-generation-and-the-nhs-by-the-numbers/>

³ <https://www.english-heritage.org.uk/learn/histories/black-history/>

⁴ <https://www.iwm.org.uk/history/6-stories-of-the-kindertransport>

⁵ <https://origins.osu.edu/article/refugees-or-immigrants-migration-crisis-europe-historical-perspective>

⁶ <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/bulletins/ethnicgroupenglandandwales/census2021>

UK CONTEXT

In 2024, the UN warned the UK to crack down on racist hate speech, including by politicians, following the Southport riots.¹ Hate speech is rising across the world.

The conditions driving it: political polarisation, economic insecurity, migration, and the spread of misinformation online are not unique to the UK but it has its own specific problems.

MIGRATION TO THE UK - STATS

16%

In 2025, asylum seekers, refugees and people arriving on refugee family reunion visas made up around 16% of total immigration to the UK.

Source: ONS²

14 per 10,000

Relative to its population, the UK received fewer asylum applications than the average EU country in 2025: 14 applications per 10,000 people, against an EU average of 18.

Source: House of Commons Library³

4 per 10,000

The UK also granted fewer positive asylum decisions per head than the EU average in 2025: around 4 per 10,000 people, against 7 per 10,000 across the EU.

Source: House of Commons Library⁴

0.8%

The UK hosts around 548,400 refugees, under 0.8% of its population. Chad, one of the poorest countries on earth, hosts around 1.5 million, around 7% of its population, nearly nine times the UK's rate.

Source: Breaking Barriers, citing UNHCR⁵

¹ <https://news.un.org/en/story/2024/08/1153496>

² <https://commonslibrary.parliament.uk/research-briefings/sn01403/>

³ <https://commonslibrary.parliament.uk/research-briefings/sn01403/>

⁴ <https://researchbriefings.files.parliament.uk/documents/SN01403/SN01403.pdf>

⁵ <https://breaking-barriers.co.uk/our-impact/refugee-asylum-facts/>

UK CONTEXT

Relative to its population, the UK received fewer asylum applications than the average EU country in 2025 and only granted around four positive asylum decisions per 10,000 people.¹ France and Germany take in more overall, partly because they're easier to reach by land. People claiming asylum in Britain aren't taking the added risk of crossing the Channel for no reason. Many of these people, fleeing war or persecution, come from former British colonies, have family already settled here, or speak English already.

These rules exist partly because Britain helped write them. After the Second World War, the UK was among the countries that drafted the 1951 Refugee Convention, the treaty that first defined what a refugee is and obligated states to protect people fleeing persecution.²

For decades, Britain took in recognised refugees from camps abroad, reunited families with relatives already here and granted visas to people fleeing specific wars.

Most of that has stopped. The Syrian resettlement scheme ended after reaching its target of 20,000 people by 2020 and was never replaced.³ The Dubs Amendment, which let unaccompanied child refugees stuck in Europe come to Britain, closed too.⁴ Since 2022, the Nationality and Borders Act, the Illegal Migration Act, and the Rwanda policy have all focused on deterring people who arrive without permission, rather than on building new ways for people fleeing real persecution to arrive safely.⁵

¹ <https://researchbriefings.files.parliament.uk/documents/SN01403/SN01403.pdf>

² <https://www.unhcr.org/uk/about-unhcr/overview/1951-refugee-convention>

³ <https://www.unhcr.org/uk/news/announcements/uks-syria-resettlement-programme-looking-back-and-ahead>

⁴ <https://commonslibrary.parliament.uk/research-briefings/sn06805/>

⁵ <https://migrationobservatory.ox.ac.uk/resources/commentaries/uk-policies-to-deter-people-from-claiming-asylum/>

UK HATE SPEECH EXAMPLES

Southport Riots, August 2024

False claims about the attacker's identity spread online within hours, fuelling racist and Islamophobic violence and attacks on mosques and asylum seeker accommodation.¹

Online Abuse, Euro 2020

Online abuse targeting Black footballers after missed penalties, including for Marcus Rashford and Bukayo Saka.²

Antisemitic & Islamophobic Abuse, October 2023

A spike in antisemitic and Islamophobic abuse online following the escalation in Gaza from October 2023.³⁴

Anti-Migrant Rhetoric

Anti-migrant rhetoric on social media around "small boats" and asylum hotels, often using dehumanising language ("invasion," "swarm").⁵

Katie Hopkins, The Sun, April 2015

Column described migrants as "cockroaches" and called for gunships to stop rescue boats. Widely condemned, including by the UN human rights chief, who compared the language to Rwandan genocide propaganda. Not charged.⁶

¹ <https://www.cnn.com/2024/08/04/uk/uk-riots-rotherham-southport-intl/index.html>

² <https://www.bbc.co.uk/news/uk-57848761>

³ <https://cst.org.uk/news/blog/2024/02/15/antisemitic-incidents-report-2023>

⁴ <https://tellmamauk.org/greatest-rise-in-reported-anti-muslim-hate-cases-to-tell-mama-since-oct-7th/>

⁵ <https://www.aljazeera.com/news/2022/11/1/uk-home-secretary-slammed-for-asylum-seeker-invasion-remarks>

⁶ <https://www.bbc.co.uk/news/uk-32446673>

UK HATE SPEECH STATS

26%

of UK adults said they'd encountered hateful or discriminatory content online in the past four weeks (June 2025).¹

Ofcom, Online Nation Report 2025

7 in 10

11-17 year olds encounter harmful content online, with hate speech among the most common.²

Ofcom, Online Nation Report 2025

93%

of MPs who've experienced abusive language and insults say it happened online.³

Hansard, Lords debate, Nov 2025

115,990

hate crimes in the year to March 2025, up 2%. Hate crimes against Muslims jumped 19% around the Southport riots.⁴

Home Office, via Counter Terror Business

3x

"News deserts," areas with little or no local journalism, had nearly three times the misinformation of anywhere else.⁵

SMF, "No news is bad news" (June 2026)

UN

The UN told Britain to crack down on racist hate speech, including by politicians, following the Southport riots.⁶

UN News

¹ <https://www.ofcom.org.uk/siteassets/resources/documents/research-and-data/online-research/online-nation/2025/online-nations-report-2025.pdf>

² <https://www.ofcom.org.uk/media-use-and-attitudes/online-habits/from-apps-to-ai-search-how-the-uk-goes-online-in-2025>

³ <https://hansard.parliament.uk/lords/2025-11-05/debates/A49F5F67-26F3-4A04-9481-C0C69EA058E1/OnlineSafetyAct2023OnlineHateAndRacism>

⁴ <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-year-ending-march-2025/hate-crime-england-and-wales-year-ending-march-2025>

⁵ 2025 excluding the Metropolitan Police Service, whose recording methodology changed in 2024 and is therefore excluded from year-on-year comparisons.

⁶ <https://www.theguardian.com/media/2026/jun/08/social-media-groups-fuel-misinformation-uk-news-deserts-report>

⁶ <https://news.un.org/en/story/2024/08/1153496>

UK MEDIA LANDSCAPE: PRINT

PRINT

The UK press is among the most concentrated in Europe. Just three companies (DMG Media, News UK and Reach) control around 90% of UK national print circulation.¹ Right-leaning titles (the Mail, The Sun, the Express, The Telegraph) far outsell left-leaning competitors in print circulation.

Legal accountability for the press does exist, but only for individuals, not groups. People can sue for defamation, harassment, or misuse of private information, and courts do impose real consequences, as the Mirror Group phone hacking payouts showed.² A group, such as asylum seekers, has no equivalent route.

THE PROBLEM

IPSO, the regulator for most national titles, was created by the press industry and is funded by publishers. Unlike Ofcom, which is a statutory regulator with powers set by Parliament, IPSO operates largely at the industry's discretion. It can require corrections and adjudications, and has the power to fine publishers up to £1 million for serious, systemic breaches, but has never once used that power.³ A newspaper can run a damaging front page, lose a complaint months later, and print a small correction on page 15 with no financial penalty and no further consequence.

The key problem is scope. Defamation protects named individuals against false statements of fact. It does not protect groups. A newspaper can describe asylum seekers as an "invasion," frame a religious minority as a security threat, or run months of front pages depicting migrants in dehumanising terms, and no legal mechanism applies. No individual is defamed. The harm lands on a community.

And even where accountability does follow, it often comes too late. A story seen by two million readers is answered by a footnote weeks later. By then the framing has been shared, repeated, and absorbed into what feels like common knowledge.



Photo Credit: Habib Ayoade via Unsplash



Photo Credit: Arturs Dobrecovs via Unsplash



Photo Credit: Kevin Grieve via Unsplash

¹ <https://www.mediareform.org.uk/media-ownership/media-ownership-2025>

² <https://www.cityam.com/hacking-scandal-inside-prince-harrys-costly-legal-battle-over-privacy/>

³ <https://pressrecognitionpanel.org.uk/wp-content/uploads/2024/01/A-Review-of-the-UKs-Independent-Press-Standards-Organisations-Complaints-Process-and-Related-Issues-FINAL.pdf>

UK MEDIA LANDSCAPE: BROADCAST

BROADCAST



Photo Credit: ThisisEngineering via Unsplash

Ofcom (the Office of Communications) is the UK's statutory broadcast regulator, established by Parliament through the Communications Act 2003.¹ Unlike IPSO, it is not funded or controlled by the industries it regulates. It is accountable to Parliament, with the Culture Secretary as the responsible minister. It has real powers: it can fine broadcasters, impose sanctions, and revoke licences. It requires licensed broadcasters to maintain impartiality and accuracy, and to avoid content likely to incite hatred. That standard is real and when applied, it works.

THE PROBLEM

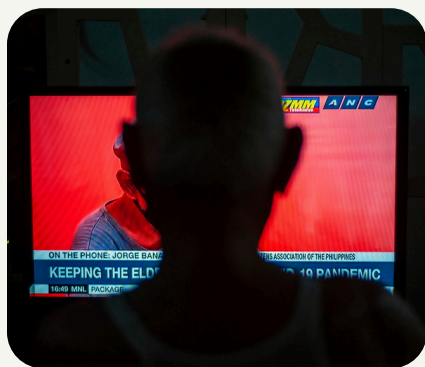


Photo Credit: Amanna Avena via Unsplash

The problem is where it stops applying. Ofcom's powers are tied to the broadcast licence, not to the act of reaching a mass audience with news. A segment that airs on a licensed channel is regulated. The same segment clipped and shared to two million people on X is not.² A radio interview is covered by the broadcasting code. The podcast version of the same interview, downloaded by the same listeners, is not. The content is identical. The audience is the same. The rules vanish at the point of distribution. This matters because most people now encounter broadcast-originated content through social platforms rather than live television or radio. The regulated version is increasingly not the version people actually see.

¹ <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/legislative-background>

² <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/tv-clips-on-social-media-what-they-mean-for-broadcast-complaints>

UK MEDIA LANDSCAPE: DIGITAL

SOCIAL MEDIA

Social media platforms now function as primary news sources for large portions of the UK population, with none of the impartiality or accuracy obligations that apply to broadcasters. The same SMF research found that 1 in 4 news-related posts on X were misinformation. Post-Musk content moderation changes have dismantled much of the platform's enforcement capacity, and the UK currently has no effective mechanism to compel it to act.¹



Photo Credit: Berke Citak via Unsplash

NEWS DESERTS

The Social Market Foundation's June 2026 report found that areas without reliable local journalism had nearly three times as much misinformation on social media as the national average.² More than 4.4 million people in the UK live in areas with no dedicated local news provider.² A community with a functioning local paper has somewhere authoritative to check a claim. Without it, social media fills the void, and social media's incentive structure rewards outrage over accuracy.



Photo Credit: Jon Tyson via Unsplash

Link to hate speech

Research consistently shows a correlation between sustained hostile press coverage of minority groups and spikes in hate incidents against those groups.⁴ The 2024 riots that followed the Southport stabbings were accelerated by misinformation that spread first through online channels but was amplified by press coverage that had, over years, established a hostile framing of immigration and Islam as a security threat.⁵ While the press may not cause hate speech, it creates conditions in which hate speech can thrive and violence may follow.

¹ <https://www.lse.ac.uk/research/research-for-the-world/society/x-undermined-democracy-uk-riots>

² <https://www.smf.co.uk/publications/social-media-local-misinformation/>

³ <https://www.journalism.co.uk/new-pinf-report-4-4-million-britons-live-in-news-deserts/>

⁴ <https://committees.parliament.uk/writtenevidence/103169/html/>

⁵ <https://www.isdglobal.org/digital-dispatch/from-rumours-to-riots-how-online-misinformation-fuelled-violence-in-the-aftermath-of-the-southport-attack/>

RECOMMENDATIONS: LAW

Key tips for the UK

DO

Reserve criminal law for the most serious cases: e.g. hate speech from those with large reach and/or clear incitement to violence. Use a narrow three-part test: conscious advocacy, a protected characteristic, and incitement to harm. All three must be present.

DO

Add a civil remedy alongside criminal law, not instead of it. The UK has no lower-stakes route for hate speech that falls short of the criminal threshold.

DO

Write the distinction between hatred of people and criticism of states or governments explicitly into the legislation.

DO

Future-proof the law. Ask whether it could survive a hostile government. If not, it is not ready.

DON'T

Include subjective thresholds like "hurtful." Keep the test objective.

DON'T

Stop at legislation. South Africa passed a hate speech law and enforcement still lags. Courts move slowly and rulings go unfollowed. A law on paper does not stop hate speech on its own. It needs funded courts and political will behind it.

RECOMMENDATIONS: LAW

EXISTING LAW

The UK already has the Public Order Act 1986 and subsequent legislation making it an offence to incite racial, religious or sexual orientation hatred. The Communications Act 2003 covers grossly offensive online material. Lucy Connolly's conviction shows the law works when applied. The real question is whether existing law is enforced consistently, and whether legislation is even the right tool for this problem.

NOTES: LAW VS PLATFORM

Law is one important remedy, but it's not the only one. A criminal charge punishes a person after the harm is done. It does nothing to stop a post reaching thousands of people in a matter of hours. Platform regulation, of the kind attempted through the Online Safety Act, deals with the mechanism that turns one person's hatred into mass reach. Both matter.

CONCERN: POLITICAL SPEECH

One concern raised consistently across this research is that hate speech law could be used to silence legitimate political speech. In Mexico, laws passed to protect marginalised groups are now being used by politicians to prosecute journalists.¹ This risk is real, but it is a reason to define the law carefully, not to abandon it. A well-drafted law targets hatred of people based on who they are. It does not reach criticism of governments, states, or political positions. That distinction must be explicit in the legislation.

¹ <https://www.nytimes.com/2026/06/19/world/americas/mexico-politicians-silence-journalists.html>

CASE STUDY: SOUTH AFRICA

BACKGROUND

South Africa's 1996 constitution balanced two rights: free expression and protection from discrimination.¹ It took almost three decades to turn that into hate speech law. The Prevention and Combating of Hate Crimes and Hate Speech Act passed in 2024, after years of pushback from religious groups, conservative groups, and free speech advocates.²

WHAT THE LAW SAYS

South Africa's 2024 Hate Speech Act sets a three-part test. All three must apply:

1. Conscious advocacy of hatred, not an offhand or careless remark.
2. A protected characteristic: race, gender, ethnicity, or religion.
3. Incitement to harm, pushing others toward violence.

The test is narrow, and that is why it holds up. Each part sets a high bar. This draws a clear line between hatred of people and criticism of governments or ideas. Criticising a foreign government fails all three tests. Calling for violence against a group of people passes all three.

"People are dying. And the thing that precedes hate crimes is hate speech."

– Kim Lithgow, Hate Crimes Working Group

¹ <https://www.justice.gov.za/constitution/SACConstitution-web-eng.pdf>

² <https://www.thepresidency.gov.za/president-ramaphosa-assents-law-prevention-and-combating-hate-crimes-and-hate-speech>

CASE STUDY: SOUTH AFRICA

WHAT WORKS

Civil courts versus criminal courts

Britain only has criminal law for hate speech: police investigation, a criminal record, a high bar of proof. Most cases don't clear that bar. They get dropped. South Africa has a second option. Its Equality Court handles hate speech as a civil matter. Anyone can bring a case, without proving criminal intent. The court can order compensation or a public apology. It isn't a fix. Cases move slowly, and the court has few ways to force compliance. For the UK, the lesson is that a civil route needs enforcement built in from the start, or it becomes a court with no teeth.

"We are not legislating feelings. We are legislating criminal behaviour."

– Kim Lithgow, Hate Crimes Working Group

WHAT DOESN'T WORK

The 2024 Act added "hurtful" alongside "harmful." Harmful is objective. A court can assess it. Hurtful is subjective, and opens the law to complaints based on personal offence rather than actual harm. Enforcement has lagged too. The Act passed in 2024 but isn't fully in force. Police training is ongoing. Officers still dismiss or mock LGBT complainants. A law is a floor, not a guarantee. Duncan's wider warning applies directly to the UK. Hate speech law, she says, is "heavily mediated by power." Whoever holds power decides who gets prosecuted.

"Hurtful is subjective. Harmful is objective. Extending the definition risks making the law vulnerable to exactly the kind of misuse it was designed to prevent."

– Professor Jane Duncan, Freedom of Expression Institute

CASE STUDY: BRAZIL

BACKGROUND

Brazil's Congress has a powerful evangelical and conservative bloc that has blocked LGBT rights legislation for decades. The movement's response was to stop fighting in parliament and take cases to the Supreme Court instead.¹

Brazil's primary instrument is not a hate speech law. It is the **Lei 7.716, an anti-racism statute passed in 1989**, extended through Supreme Court interpretation. In 2019, the court ruled that homophobia and transphobia constitute racismo social – social racism – under Brazil's constitution, which defines racism in social rather than biological terms. No new legislation was needed.²

WHAT THE LAW SAYS

The law covers two types of offence:

1. Targeted verbal attacks against a specific individual because of a protected characteristic.
2. Broader dehumanisation of a group, for example denying them access to housing, employment, or public space.³

For an act to constitute discrimination, three elements must be present: it must target a minority group, it must cause harm or humiliation, and it must be conduct that would not ordinarily be directed at a dominant group. This structure is designed to prevent "reverse discrimination" arguments.⁴

¹ <https://www.aljazeera.com/news/2019/5/24/brazils-supreme-court-votes-to-make-homophobia-a-crime>

² <https://ohrh.law.ox.ac.uk/brazils-top-court-uses-anti-racism-legislation-to-make-discrimination-against-lgbt-people-a-criminal-offence/>

³ <https://help.unhcr.org/brazil/en/onde-encontrar-ajuda/racismo-e-xenofobia/>

⁴ https://direitoshumanos.dpu.def.br/wp-content/uploads/2023/04/Anexo_6035772_08038.001299202307.pdf

CASE STUDY: BRAZIL

WHAT WORKS

Civil liability has proven more effective than criminal prosecution. Criminal sentences in Brazil are low and rarely served. Civil courts have imposed meaningful financial penalties on high-profile figures:

A former Secretary of Education was fined 200,000 reais for stating LGBT people come from "maladjusted families."¹ The owner of Brazil's largest megachurch was fined 800,000 reais for comparing LGBT people to criminals on live television.² Civil victories also generate media coverage, which amplifies accountability beyond the courtroom.

Brazil's Aliança Nacional LGBTI has built an AI tool that monitors the social media accounts of members of Congress, flagging potentially unlawful statements for legal review.³ It is low cost, systematic, and scalable.

Dedicated police units matter too. States with specialist hate crime units record significantly more cases than those without. Amanda's reading of the data: the crimes were always happening. They were just not being counted.

"Criminal law should be the last resort, not the first."
— A lawyer working on hate speech cases

WHAT DOESN'T WORK

The legal framework reaches public figures with money and a media profile. It is less effective for everyday victims. Individual complaints are slow, inconsistent, and depend heavily on which state you are in and which judge you get.

Big tech remains the largest unresolved problem. Litigation against individuals treats the symptom. The platforms are the mechanism.

"Social media platforms know what drives radicalisation. They know what can be done to stop it. They choose not to, because it is profitable."
— Lawyer

¹ <https://www.metropoles.com/brasil/justica/justica-de-sp-condena-uniao-por-falas-homofobicas-de-milton-ribeiro>

² <https://revistaafirmativa.com.br/edir-macedo-e-rede-record-sao-condenados-a-pagar-indenizacao-de-r-800-mil-por-discurso-lgbt-fobico-em-rede-nacional/>

³ <https://www.gazetadopovo.com.br/vida-e-cidadania/lgbti-governo-lanca-plataforma-processar-autores-postagens/>

LESSONS FROM ABROAD

WHAT COULD WORK FOR THE UK

HOW THE LAW IS DESIGNED

The distinction between hatred of people and criticism of governments or states must be written into any new legislation, not left to judicial interpretation. Brazil's framework, which defines racism in social rather than biological terms, shows how broad principles can be applied precisely when the definition is clear.

ENFORCEMENT

- Brazil found that civil liability does more work than criminal prosecution. High-profile fines generate media coverage, which amplifies accountability beyond the courtroom. The UK could introduce a civil route for hate speech that falls below the criminal threshold, with financial penalties and mandatory compliance built in from the start.
- South Africa's Equality Court shows the civil model is possible, but also its limits: rulings without enforcement mechanisms get ignored. Any UK equivalent needs teeth.
- Brazil's data shows that dedicated police units produce dramatically higher reporting rates. The crimes do not increase; they start being counted. The UK could pilot specialist hate crime units in areas with high reported incidents and measure the effect on reporting.

MONITORING AND ACCOUNTABILITY

Brazil's Aliança Nacional LGBTI uses an AI tool to monitor public figures online and refers flagged content to lawyers for legal review. A UK equivalent, run by civil society rather than government, could create a systematic accountability pipeline for politicians and public figures at low cost.

LIMITS OF LAW

Neither country has solved the problem through legislation alone. South Africa's Act passed in 2024 and enforcement still lags. Brazil's civil courts reach high-profile targets but not everyday victims. The law sets a floor. Without funded courts, trained police, and political will, it stays there.

CONCLUSION

Hate speech is a global problem and the UK is no exception. Countries that have grappled with it longer offer lessons, and nations like South Africa and Brazil show that progress is possible even if they have not cleanly solved the issue. The UK has its own version of this problem, shaped by its own history, its media environment, and the particular fault lines of its society.

There is no single solution. A law without enforcement changes nothing. Community programmes without funding collapse. Education without consistency reaches only some children. What works is a coordinated approach that treats each lever as part of the same system, not a standalone fix.

That coordination has to start somewhere and the most immediate step is resourcing the people already doing this work. Frontline organisations, community leaders, and local practitioners are encountering hate speech every day but they need a shared definition and language to identify the issue as well as reliable guidance and funding to properly tackle it.

The good news is nobody is born hating.

Hateful attitudes are learned, and can be unlearned if the conditions that produce them are changed. The goal is a society where people do not feel emboldened to reach for hate speech so easily, where those who experience it have recourse, and where the structures that amplify it are held to account. A society where people are free to criticise governments, challenge power, and express dissent, but where that freedom does not come at the cost of another person's dignity, safety, or right to exist equally.

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